

REMARKS

Claims 12-25 were previously pending in the application. By the Amendment, claims 12, 23 and 25 are currently amended, new claims 26 and 27 have been added, and claims 13-15, 17-22 and 24 remain unchanged. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The claims stand rejected under the cited prior art of record. Specifically, claims 12-15, 18, 20, 21 and 24 were rejected under 35 USC §102(b) over Pacella et al. (U.S. Patent No. 3,777,989). Additionally, claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pacella in view of Wright (U.S. Patent No. 3,884,263), and claims 23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gelles et al. (UK Patent Publication 1,138,291).

At the outset, Applicants extend their appreciation to Examiner Heckert for his courtesy in conducting the interview with Applicants' representative on October 21, 2009. During the interview, Applicants' representative discussed differences between the invention and the cited Flick patent. Applicants' representative proposed amendments to the claims to more clearly distinguish the invention over the Flick patent.

Independent claim 12 defines a dishwasher including at least one washing container having a bottom area, a top area and a wall area that collectively form an interior of the washing container in which items to be washed can be disposed. A spraying device for spraying washing liquid into the interior of the washing container has at least one spray channel operable to guide therealong a washing liquid. The spray channel is integrated into at least one of the bottom, top and wall areas of the washing container and has openings in a side of the spray channel oriented in a direction towards the interior of the washing container for the passage therethrough of washing liquid. The side of the spray channel directed towards the interior of the washing container lies in one plane and defines a substantially continuous planar surface with the surface of a respective one of the bottom, top or wall areas of the washing container directed towards the interior of the washing container in which the spray channel is integrated.

Independent claim 24 defines a dishwasher including at least one washing container having a bottom area, a top area, and a wall area that collectively form an interior of the washing container in which items to be washed can be disposed, and a spraying device for spraying washing liquid into the interior of the washing container. The spraying device has at least one spray channel operable to guide therealong a washing liquid. The spray channel is integrated into at least one of the bottom, top and wall areas of the washing container and has openings in a side of the spray channel oriented in a direction towards the interior of the washing container for the passage therethrough of washing liquid. The spraying device includes a spray cover having a substantially U-shaped cross-section, where free ends of the U-shaped spray cover are bent inward to fit the spray cover into the spray channel such that outward deflection of the free ends abuts the free ends against side walls of the spray channel.

Independent claim 25 defines a dishwasher including at least one washing container and a plurality of spraying devices for spraying washing liquid into the interior of the washing container. Each of the plurality of spraying devices has at least one spray channel operable to guide therealong a washing liquid, where the spray channel is integrated into at least one of the bottom, top and wall areas of the washing container and has openings in a side of the spray channel oriented in a direction towards the interior of the washing container for the passage therethrough of washing liquid. The spraying devices lie in different planes within the washing container. At least the bottom area of the washing container has a multi-planar surface, where each side of the spray channels directed toward the interior of the washing container lies in one plane and defines a substantially continuous planar surface with the bottom area of the washing container.

With regard to independent claim 24, the Office Action contends that claim 24 “represents a distinct embodiment as explained in the applicant’s specification and figures,” and the Examiner withdraws claim 24 from consideration as being drawn to a non-elected invention. To the contrary, however, claim 24 defines the shape of the spray cover as having a substantially U-shaped cross section. This construction is not in fact a “distinct embodiment,” but is rather shown in Figs. 1-3 and 5 (all but one of the figures).

Additionally, this subject matter was effectively claimed in *original* claim 19 to the extent provided by 35 U.S.C. §112, sixth paragraph, defining “means for manually releasing the spray channel from a respective one of the bottom, top or wall areas of the washing container” In an exemplary construction, the specification describes a first embodiment of the cover 7 having a symmetrical and substantially U-shaped cross section where the two free ends of the U-shaped cross section are formed by legs 8. The cover 7 is made of an elastic material so that the legs 8 can be bent flexibly towards one another against a pre-stress. In this way, a clamping connection is formed between the legs 8 and the sidewall 6 of the spray channel whereby the cover 7 is fixed in the bottom 2 of the washing container 1 on the spray channel 4. See, for example, page 6, lines 26-31. For illustration and to serve as linking claims, dependent claims 26 and 27 have been added relating to the subject matter of the U-shaped cross section of the spray channel.

Consideration of claim 24 is thus respectfully requested.

With regard to the rejections over prior art, without conceding the Examiner’s contentions in the Office Action, the term “substantially” with regard to the side of the spray channel directed toward the interior of the washing container lying in one plane with a surface of the washing container has been deleted. Claim 12 has been amended to recite that the side of the spray channel directed toward the interior of the washing container lies in one plane and defines a substantially continuous planar surface with a surface of a respective one of the bottom, top, or wall areas of the washing container directed towards the interior of the washing container in which the spray channel is integrated. As discussed previously, in contrast with this structure, it is clear that the cover plate 150 in Pacella, which corresponds to a side of the spray channel directed toward the interior of the washing container, does **NOT** lie in one plane and define a substantially continuous planar surface with the noted surface of the washing container. As shown in Fig. 7, Pacella rather defines a stepped arrangement with distinctively defined shoulder portions leading to channel 148. Since anticipation requires that each and every feature of a claimed invention be found in a single prior art reference, Applicants respectfully submit that this rejection is misplaced.

With regard to the dependent claims, Applicants submit that the dependent claims are allowable at least by virtue of their dependency on an allowable independent claim and also because they recite additional patentable subject matter.

With regard to claim 19, Applicants submit that the Wright patent does not correct the deficiencies noted above with regard to Pacella. As such, Applicants submit that this dependent claim is allowable at least by virtue of its dependency on an allowable independent claim and because it recites additional patentable subject matter. Withdrawal of the rejection is requested.

With regard to claim 23, Applicants submit that this claim is allowable at least by virtue of its dependency on an allowable independent claim. Moreover, claim 23 recites that at least the bottom area of the washing container has a multi-planar surface, where the dishwasher further includes the number of spray channels into the bottom area of the washing container in a configuration in which the spray channels are not in parallel planes. With reference to Fig. 5, claim 23 additionally defines the spray channels lying in one plane with the bottom area multi-planar surface and defining a substantially continuous planar surface with the bottom area. Independent claim 25 defines related subject matter. As discussed during the interview, neither Pacella nor Gelles discloses a washing container including a bottom area with a multi-planar surface where integrated spray channels lie in a common plane with the multi-planar surface and define a substantially continuous planar surface of the bottom area. Gelles rather discloses tubular elements that position the nozzles within the container. Nothing in the Gelles publication nor the Flick patent would provide guidance to one of ordinary skill in the art to modify Flick to include the subject matter shown in Fig. 5 as defined in claims 23 and 25.

Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 12-15 and 17-25 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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